

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

THESLET BENOIR and CLEMENE
BASTIEN, a married couple; and EBEN-EZER
HAITIAN FOOD TRUCK LLC,

Plaintiffs,

v.

TOWN OF PARKSLEY, VIRGINIA; and
HENRY NICHOLSON, in his official and
individual capacities,

Defendants.

Civil Case No. 2:24-cv-00064-AWA-LRL

JOINT PROPOSED SCHEDULE OF REVISED DEADLINES

Pursuant to this Court's December 6, 2024 Order (Doc. 33) granting the parties' Second Joint Motion for Extension of Case Deadlines, the parties jointly offer the following proposed schedule of all necessary revised deadlines in the Court's Rule 16(b) Order (Doc. 23):

Deadlines in Paragraph 1 of the Rule 16(b) Order

- Trial shall commence on **August 19, 2025 at 10:00 a.m.**, at the courthouse in Norfolk.
The parties expect trial to take four days.¹
- Pretrial exhibit binders must be delivered to the Clerk and provided to the opposing party on or before **August 12, 2025**.

¹ As the parties noted in their Second Joint Motion for Extension of Case Deadlines (Doc. 32), the parties believe it is probable that the Court can resolve this case through dispositive motions without the need for trial.

- All Rule 26(a)(3) disclosures (witness lists), proposed exhibit lists, and motions *in limine* must be exchanged on or before **July 18, 2025**.
- All objections and responses to these trial documents that are not resolved at the Attorney Conference must be filed formally no later than **August 1, 2025**.

Deadlines in Paragraph 2 of the Rule 16(b) Order

- The party having the burden of proof shall identify expert witnesses by **December 17, 2024**.
- The expert disclosures outlined in Rule 26(a)(2)(B) shall be made on **January 17, 2025**.
- Disclosures intended solely to respond to, contradict, or rebut evidence on the same subject matter disclosed by another party pursuant to Rule 26(a)(2)(B) or the Court's scheduling order shall be made on **January 31, 2025**.
- Any rebuttal disclosure by the party bearing the initial burden of proof shall be made on **February 14, 2025**.

(Deadlines in Paragraph 3 of the Rule 16(b) Order were modified by the Court's December 6, 2024 Order (Doc. 33).)

Deadlines in Paragraph 4 of the Rule 16(b) Order

- All discovery of experts, and all depositions taken by the proponent of a witness for presentation in evidence in lieu of the appearance of the witness at trial, shall be concluded on or before **February 28, 2025**.

(Paragraph 5 of the Rule 16(b) Order does not contain additional case deadlines. Instead, it restates certain deadlines laid out in Paragraph 1.)

Deadlines in Paragraph 6 of the Rule 16(b) Order

- An Attorney Conference is scheduled in the office of counsel for Plaintiffs, or at the office of any counsel mutually agreed upon by the parties, on **July 25, 2025, at 2:00 p.m.**

Deadlines in Paragraph 7 of the Rule 16(b) Order

- A Final Pretrial Conference shall be conducted on **August 8, 2025, at 10:00 a.m.**, at the courthouse in Norfolk.
- Counsel for the Plaintiffs shall distribute a proposed final draft of the Final Pretrial Order to all other counsel on or before **August 1, 2025.**

Deadlines in Paragraph 8 of the Rule 16(b) Order²

- Each party shall file proposed findings of fact and conclusions of law on or before **August 12, 2025.**
- Each party shall file final revised exhibit lists, witness lists (with brief summaries of the anticipated testimony of each witness), and trial memoranda on or before **August 12, 2025.**

(Deadlines in Paragraph 9 of the Rule 16(b) Order were modified by the Court's December 6, 2024 Order (Doc. 33).)

(Paragraph 10 of the Rule 16(b) Order does not lay out any case deadlines.)

² The final deadline mentioned in Paragraph 8 of the Rule 16(b) Order discusses the circulation of pretrial exhibit binders. Because this deadline is also laid out in Paragraph 1, it has been omitted in this section.

DATED this 17th day of December, 2024.

Respectfully submitted,

/s/ Paul M. Sherman

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